

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BARBARA LODER HILDEBRANDT,

Plaintiff

VS.

HYATT CORPORATION, *et al.*,

Defendants

CASE NO. C-1-02-0003

Judge Beckwith
Magistrate Judge Black

AFFIDAVIT OF BARBARA LODER HILDEBRANDT

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

Barbara Loder Hildebrandt, being first duly cautioned and sworn, hereby states as follows:

1. As a Director of National Accounts for Hyatt Corporation, my duties included arranging group and individual hotel accommodations for my clients at Hyatt hotels throughout the country, recruiting new clients, and maintaining approximately 40 national accounts in Ohio, Kentucky, and Tennessee through personal services. The NSF members handle large national accounts, which book business such as conventions in various Hyatt hotels, usually on a periodic basis. Sales personnel in the Hyatt organization aspire to join the National Sales Force, which handles the large national accounts. It is very rare that people voluntarily leave the National Sales Force.

2. I spent many years developing and maintaining my accounts. I devoted a great deal of my time each day to maintaining and developing my relationships with my clients. It takes at least a year or two just to get to know a client. Long-term personal relationships are the key to a successful national sales career. Long-term relationships are important because a client develops loyalty to the brand through a long-term association with its national account representative. The more you book a client's business, the better you understand its needs. Eventually, the client calls you first with opportunities to book their meetings. It comes to value you as a partner in its meeting planning process. For example, I developed an excellent relationship with Foodservice Associates of Louisville, Kentucky. In order to show their appreciation for my dedication to their account, their representatives invited me to a day at the races at Churchill Downs and billed it as Barb Loder Appreciation Day. Having a new sales representative handle an account requires the client to educate the salesperson as to its needs and essentially who it is. Initially, the trust factor is not there. In essence, a new salesperson has to earn a client's respect and business friendship. It takes years to develop these relationships. A client likes consistency with their National Sales person as well as the consistency in service and products in the hotels they book.

3. I would make tentative bookings for my national accounts several years into the future. During 2001, I was booking meetings through the year 2005. A booking becomes definite when the contract is signed. At that time, I would receive credit for that booking. At the time I was fired in September 2001, a

number of my account bookings were ready to turn definite for 2001. Those accounts were Alside/Excellence in Motivation, American Board of Family Practice, American Contract Bridge, Bank One, F&W Publication, Inflight Foodservice, Longaberger, NASCIO, Presbyterian Church, and Smith & Nephew.

4. During 2000, my accounts produced approximately 10 million dollars in bookings for Hyatt Corporation.

5. I received annual Outstanding Production Achievement Awards in 1994, 1996, 1997, 1998, 1999, and 2000; and met or exceeded all my annual sales goals, with one exception in 1995 when I achieved 92.3% of my goal and received an "Exceeds Expectations" rating.

6. In 2000, I was nominated for the Annual Director of National Accounts award. This award represents an overachievement of quota, excellent customer relations, and outstanding service to the company. I was nominated from 60 National Sales Force sales managers to receive this award. This was a recognition among my peers that I had provided an outstanding contribution to the company for that year.

7. During my tenure with Hyatt, I observed that my superiors operated an informal promotion system whereby males under 40 years of age were positioned for future promotions. Promotion opportunities were not posted and older females were not given an opportunity to apply for promotions. Hyatt officials had a practice of "reaching out" to younger male employees they favored rather than permitting other qualified employees to apply for promotion opportunities. The promotions of Brian Booth and Mark Henry were not posted.

8. In early 2000, Ty Helms was promoted from his position as Assistant Vice President of International Sales to Vice President of Sales. Shortly thereafter, I spoke with him and requested a promotion to Assistant Vice President of International Sales, the position that Helms had recently vacated. Helms told me that he had already chosen Rob Sarmiento. At that time, Sarmiento was under 40 years of age. This event made it clear to me that I would never receive a promotion to a higher position at Hyatt because younger males were being pre-selected for these positions.

9. Incentive or bonus pay is determined based on the percentage amount by which a sales manager exceeds her sales goals.

10. In 2001, I exceeded my normal six-month sales goal of \$3 million. I booked \$3,227,000 in sales for the first six months of 2001.

FURTHER AFFIANT SAYETH NAUGHT.

Barbara Loder Hildebrandt
Barbara Loder Hildebrandt

Sworn to and subscribed to before me this 12 day of May 2004.

Peggy Potthoff Champagne
Notary Public
My Commission Expires:



PEGGY POTTHOFF CHAMPAGNE
Notary Public, State of Ohio
My Commission Expires
August 19, 2006